

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

ERIK B. CHERDAK

Plaintiff,

v.

RACK ROOM SHOES, INC.

Defendant.

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Case No. 1:11-cv-00169 (LO/JFA)

**PLAINTIFF'S MOTION TO STRIKE CERTAIN
UNTRUTHFUL CONTENT FROM DEFENDANT'S INITIAL
MARKMAN CLAIM CONSTRUCTION MEMORANDUM (ECF 127)**

Plaintiff, Erik B. Cherdak ("Cherdak"), by and through his attorneys, hereby files Plaintiff's Motion To Strike Certain Untruthful Content From Defendant's Initial Markman Claim Construction Memorandum (ECF 127).

Submitted simultaneously herewith is Plaintiff's Memorandum of Law in Support this Motion and proposed order.

Respectfully submitted,

/S/ Daniel S. Ward

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ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of December 2011, I electronically filed the foregoing with the Court of the Court using the CM/ECF system, which will then send, as appropriate, a notification of such filing to the following:

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/s/ Daniel S. Ward
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